



July 24, 2001

## *What We Can Learn from Mississippi*

# How “Hate-Crimes” Laws Discriminate

During the years 1996, 1997, 1998, and 1999 there were a total of 1,187 murders committed in the State of Mississippi. This paper takes a closer look at just six of them.

Mississippi’s record was brought to mind last week when CBS Television rebroadcast an episode of its show *48 Hours* featuring an hour-long retelling of five grisly murders in a small Mississippi town. Almost the first words out of host Dan Rather’s mouth were, “Everyone in town is frightened.”

**Five Horrible Murders in 30 Months in Columbus, Mississippi.** Between the summer of 1996 and the fall of 1998, five elderly residents of Columbus, Mississippi, were murdered.

Max Fowler, 72, a grandfather and retired farmer, was the first victim. He was murdered in his home in Columbus in July, 1996. He had been stabbed many times.

George Wilbanks, 70, was murdered in his home in November, 1997. He had been strangled and stabbed more than 30 times.

In October of 1998, Robert Hannah, 61, a retired hospital employee who supplemented his meager income by picking up cans along the city streets, was beaten and strangled in his home. The gas in his kitchen had been turned on, and his body was not discovered until a few days after the murder when the house caught fire. Mr. Hannah had been “hog-tied” (placed face-down with his hands tied together behind his back, and his feet tied with the same rope).

One week later, 80-year-old Louise Randall, a retired waitress who owned a small grocery store, was murdered in her home. She too had been strangled and hog-tied, and the gas in her kitchen had been turned on.

On November 17, 1998, Betty Everett, 67, became the fifth victim. Mrs. Everett was a beautician at the Trinity Retirement Center who had used a walker since her hip had been replaced. She, too, was brutally strangled at home and then hog-tied. The gas in her kitchen was on when her body was discovered.

In each of the five cases, it appears that the elderly victims let their assailant into their homes. Nothing was taken from any of the homes, and very few clues were left at the scene. No arrests have been made.

**Mississippi's One Reported "Hate-Crimes" Murder.** Horrible as the Columbus murders were, none was designated as an official "hate crime." However, Mississippi did have one reported "hate-crimes" murder during the four-year period. It turns out, however, that the report doesn't square with the facts:

In July of 1999, Billy Ray McGowan and Steve Allen got into a fight in Laurel, Mississippi. Allen picked up a box-cutter knife and sliced McGowan's throat, killing him. McGowan had been in trouble before (he had served time for aggravated assault), and in the fight he was wielding a broken bottle. It also appears that McGowan was the aggressor. Nevertheless, in the F.B.I.'s official "hate-crimes" book, this homicide was reported as a "hate-crimes" murder motivated by religious animus.

The facts simply do not support the listing. After spending two years in jail awaiting trial, Allen was found not guilty by reason of self-defense. Therefore, whatever the motive for the incident, there was no crime. No one has been able to tell us where the allegation of religious animus came from.

**"Hate Crimes" Are *Not* Always Worse Than Other Crimes.** Advocates of "hate-crimes" laws say that "hate crimes" require the special attention of the Federal Government because "hate crimes" are especially vicious and threatening and destructive. The Mississippi cases demonstrate that this claim is not true.

It is true, of course, that *some* "hate crimes" are especially brutal and threatening (the murder of James Byrd in Texas is a frightening example), but many other official "hate crimes" are not especially brutal or destructive. At the same time, many crimes that are *not* official "hate crimes" *are* especially brutal and destructive. The five murders in Columbus, Mississippi are a stark reminder of that.

Under our "hate-crimes" laws, the justifiable homicide in Laurel, Mississippi gets reported to the F.B.I. (and then to the world) as a "hate crime" (with all that term implies). On the other hand, the brutal murders of Mr. Fowler, Mr. Wilbanks, Mr. Hannah, Mrs. Randall, and Mrs. Everett get lumped in with thousands of other murders even though the Columbus tragedies involved especially brutal murders of five especially vulnerable individuals. Which killings have the stronger claim on our sympathies, our common morality, and our sense of justice?

As the Mississippi cases demonstrate, "hate-crimes" laws discriminate invidiously.

**"Hate-crimes" laws wrongly discriminate among inherent and immutable characteristics.** Some of the categories covered by a "hate-crimes" law are inherent and

unchangeable (race and sex, for example), and some are not (religion, for example). The leading “hate-crimes” bill of the 107<sup>th</sup> Congress discriminates even among the “standard” list of immutable traits that generally are grouped together.

The bill does *not* include the category of “age” even though age is a protected category under numerous State and Federal civil rights laws. Therefore, even if the five victims in Columbus were murdered because of their age, a trait they have no power to change, the murders would *not* be official “hate crimes.” On the other hand, if the victims were chosen because of some other inherent (or even chosen) characteristic that the amendment specifies, they would have been victims of official “hate crimes.”

**“Hate-crimes” laws wrongly discriminate against cherished human characteristics.**

Supporters of “hate-crimes” laws frequently ask this question, “Can you imagine what it would be like to be the victim of a crime *just because of who you are?*” This suggests that a human being is just an aggregation of race, sex, and other traits that are named in the law.

But, what if the victims of Columbus, Mississippi, had been murdered because they were veterans, or grandparents, or members of a club or church, or Social Security recipients, or retirees from the same company, or Masons, or Republicans, or union activists, or alumni of the same school? In truth, it is these kinds of characteristics that faithfully describe “who we are,” but “hate-crimes” laws don’t count these genuinely human characteristics.

**“Hate-crimes” laws wrongly discriminate among crime victims.** Suppose the victims of Columbus, Mississippi, were selected by some deranged mind merely because they were elderly and vulnerable. Does that fact make these murders less tragic, or less threatening and frightening, than if the victims had been chosen because of ethnicity?

Suppose Betty Everett, who used a walker, was chosen for murder because of her disability (a covered category under the leading bill), but no comparable motive can be identified in the other cases. Is Mrs. Everett’s murder by that fact alone more terrible and more worthy of the attention of the Federal Government than any or all of the other four murders? Or, suppose Mr. Hannah was chosen because he was poor (which is not a covered category). Should that fact make a difference? “Hate-crimes” laws pit victim against victim, crime against crime, instead of uniting all law-abiding Americans against those who have committed brutal crimes.

**“Hate-crimes” laws wrongly discriminate between crimes.** As noted earlier, none of the Columbus murders has been denominated an official “hate crime.” Even if the killer in fact hated, detested, loathed, abhorred, execrated, and abominated his victims, he will not be said to have committed a “hate crime” because his motives were not politically incorrect, just evil.

In Columbus, Mississippi, there were multiple murders, possibly committed by a serial killer,

and the murders were especially gruesome. Elderly victims were attacked in their own homes and stabbed numerous times. They suffered fear and pain, perhaps amounting to torture. They were tied up in a cruel way, whether before their deaths or after, and then the murderer turned on the gas and expected a fire. These facts, which reveal a mind especially evil and vicious committing crimes that are especially depraved and atrocious, are not relevant to “hate crimes” laws.

“Hate-crimes” laws are not drafted to help the families, friends, or community of Mr. Fowler, Mr. Wilbanks, Mr. Hannah, Mrs. Randall, and Mrs. Everett — nor the families, friends, or communities of the thousands of other victims who are murdered in the United States every year.

The leading “hate-crimes” bill ignores the Columbus, Mississippi murders, but it would allow the vast resources of the Federal Government to be used for the investigation and prosecution of even an *attempted* aggravated assault if a firearm were used and a racial epithet uttered.

The “hate-crimes” bill discriminates.

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Written by Lincoln C. Oliphant, 224-2946

Source notes: The descriptions of the Columbus murders were taken from published sources and from a transcript of the *48 Hours* program. The description of the 1999 killing is taken from telephone interviews with police officials, and from two newspaper stories written by Brian Livingston for the *Laurel Leader-Call* newspaper (May 24, 2001 and June 9, 2001). The crime numbers and their sources are shown below:

**Reported Violent Crimes in the State of Mississippi, 1996 - 1999,  
Shown as a Ratio of the Number of All Crimes to the Number of “Hate Crimes”**

<u>Crime</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>
Murder	301 : 0	358 : 0	315 : 0	213 : 1
Rape	981 : 0	1,065 : 0	1,026 : 0	1,156 : 0
Robbery	3,646 : 0	3,741 : 0	3,394 : 0	3,091 : 0
Aggravated Assault	8,333 : 1	7,644 : 0	6,567 : 2	5,211 : 0
<b>TOTALS</b>	13,261 : 1	12,808 : 0	11,302 : 2	9,671 : 1

Sources for chart: United States Department of Justice, Federal Bureau of Investigation, *Crime in the United States* and *Hate Crime Statistics* for the years 1996-1999. During the four years shown, there were 70,367 murders in the country; Mississippi’s were 1.7 percent of the total.